IN THE HIGH COURT OF BOMBAY AT GOA.

WRIT PETITION NO. 362 OF 2003.

Mr. P.U. Dessai,
Assistant Engineer,
Sub-Division III,
Works Division XII,
Water Resources Department,
Gogol, Margao, Goa. ... Petitioner.

Versus

1. The State of Goa,
   by its Chief Secretary,
   Secretariat, Panaji.
2. The Chief Engineer,
   Water Resources Department,
   Junta House Annexe,
   Panaji. ... Respondents.

Mr. A.F. Diniz, Advocate for the Petitioner.

Mr. N.K. Sawaikar, Additional Government Advocate for the Respondents.

Coram : F.I. REBELLO AND
P.V. HARDAS, JJ.

Date : 11th August 2003.

ORAL JUDGMENT (PER REBELLO, J.)

Rule. Respondents waive service. Heard forthwith.

2. The petitioner was promoted to the post of Assistant Civil Engineer on 17th March 1983, but the appointed was styled as adhoc. The petitioner's case was sent for regularization to the G.P.S.C. alongwith other Assistant Engineers. However, there were disciplinary proceedings initiated against the petitioner on 12th December 1995. As the disciplinary proceedings were pending for a long time, the petitioner

filed a Writ Petition in this Court, being Writ Petition No. 88 of 2003. At that time the petitioner was informed that the petitioner had been exonerated of all the charges and, accordingly, the petition was disposed of by this Court on 9th June 2003. The case of the petitioner is that though he was ordered to be regularised, the order was not given effect to. It is pointed out that once the petitioner was exonerated, the petitioner ought to have been regularised from 13th April 1999 in the same way as other Assistant Engineers.

On behalf of respondent No. 2, an affidavit has been filed by S.D. Sayanak pointing out that the petitioner was not regularised in view of the disciplinary proceedings, which were pending and that the petitioner has now been regularised by Order of 29th May 2003.

3. After hearing the learned counsel, we are of the opinion that the petition must succeed as, though the petitioner was recommended for regularization, that could not be done as disciplinary proceedings were pending against the petitioner. Those proceedings have come to an end where the petitioner was exonerated and consequently, the petitioner will have to be regularized with effect from 13th April 1999.

This is the only point decided in the petition. All other points are left open. If the petitioner is aggrieved on any other points, liberty to move the appropriate forum, if so advised.

4. In the light of that, rule made absolute in terms of prayer clause (a). The respondents are directed to pass consequential orders including effecting change in the seniority list pursuant to this Order.

(F.I. REBELLO)
JUDGE.

(P.V. HARDAS)
JUDGE.

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